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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,322	11/14/2001	John R. Webster	84561	6882
20736	7590	08/24/2004	EXAMINER	
MANELLI DENISON & SELTER 2000 M STREET NW SUITE 700 WASHINGTON, DC 20036-3307			KYLE, MICHAEL J	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/987,322

Applicant(s)

WEBSTER, JOHN R.

Examiner

Michael J Kyle

Art Unit

3676

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-7, 23, 26 and 27.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Continuation Sheet


Chuck Y. Mah
Primary Examiner

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's arguments are not persuasive. Applicant argues that in Albers, the chamber defined by ring 20a, sleeve 21, packing ring 3, and housing 4 is not connected to any pressure source. Applicant also argues that there is no second seal or one that is exposed to any low pressure. Examiner notes that there are no limitations in claim 1 regarding a chamber being connected to pressure source. Claim 1 calls for a chamber being permanently connected one of the pressure zones. Examiner asserts that because a pressure is present in the above mentioned chamber, that a pressure zone exists, permanently connected to the chamber. Examiner considers this to be the first chamber. Additionally, claim 1 requires the second sealing means positioned in a lower pressure zone. Examiner asserts that there is a pressure difference between the zone located in the first chamber, and the pressure zone along the shaft. One of these zones has a lower pressure. Second seal 3 is positioned in between these zones and is exposed to a lower pressure. Additionally, applicant argues that none of the first and second seal lands (20a, 20b) of Albers are imperforate because they contain bores 8. Examiner notes that the feature 8, of the first and second seal lands 20a and 20b in Albers, are described as "sensors", not bores as applicant alleges. For this reason, examiner considers both the first and second seal lands to be imperforate. Furthermore, applicant argues that in the present invention, the two seals are balanced by leakage of pressure from the high pressure chamber to the low pressure chamber through the seals. Examiner notes that this function, nor the structure that specifically provides this function, does not appear to be claimed.

Continuation of 10. Other: Claims 1-7, 23, 26, and 27 would be rejected exactly as they are in the Final Office Action mailed on April 26, 2004. The after final amendment was entered to cancel the claims that are drawn to a non-elected invention..